

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM GLENN JACK,

Plaintiff,

Case No. 1:14-cv-560

v.

HON. JANET T. NEFF

KALAMAZOO COUNTY SHERIFF
DEPARTMENT,

Defendant.

_____ /

OPINION AND ORDER

Plaintiff filed this case seeking the return of property purportedly held as evidence by the Kalamazoo County Sheriff Department. The case was referred to the Magistrate Judge, who granted Plaintiff's motion to proceed as a pauper and conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine whether it was frivolous, malicious, or fails to state a claim upon which relief can be granted. On June 5, 2014, the Magistrate Judge filed a Report and Recommendation (R & R), recommending that the action be dismissed with prejudice because Plaintiff failed to state a claim upon which relief may be granted in this Court: "Plaintiff's one sentence complaint, which states he is suing for '\$200 property in evidence that I showed proof of ownership for in court ...' raises no federal question" (R & R at p. ID# 10).

The matter is presently before the Court on Plaintiff's objection to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objection has been made. The Court denies the objection and issues this Opinion and Order.

In his brief objection, Plaintiff merely offers supporting information to show what happened and asserts that the Kalamazoo County Sheriff Department has refused to return his property despite his multiple trips there. Plaintiff's objection fails to demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion. The Magistrate Judge properly concluded that Plaintiff's complaint fails to show a viable claim before this Court because it raises no federal question.

A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. For the above reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Accordingly:

IT IS HEREBY ORDERED that the objection (Dkt 6) is DENIED and the Report and Recommendation (Dkt 5) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C § 1915(a) that an appeal of the decision would not be taken in good faith.

Dated: June 27, 2014

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge